

### **REMARKS**

This responds to the Office Action dated September 14, 2010.

Claims 1 and 3 are amended and no claims are canceled or added. As a result, claims 1 and 3 pending in this application.

#### **Interview Summary**

Applicant thanks Examiner Charles Adams for the courtesy of a telephone interview on October 20, 2010 with Applicant's representatives Steven W. Lundberg and James D. Hallenbeck. The substance of the interview included the pending claims and why Applicant believed they are patentable over the cited reference Gibson cited below with regard to the 35 U.S.C. § 102(a) rejection. Examiner Adams was not convinced but instead suggested amending independent claims 1 and 3 to include elements from originally filed claim 2 to put the application in condition for allowance. Applicant agreed to do so.

#### **The Rejection of Claims Under § 102**

Claims 1 and 3 are rejected under 35 U.S.C. § 102(a) as being anticipated by Gibson (WO 02/05230).

As indicated above in the Interview Summary, in the Interview conducted on October 20, 2010, Examiner Adams suggested amending claims 1 and 3 to incorporate the language of originally filed claim 2 to place both claims 1 and 3 in condition for allowance. Applicant has done so. Applicant thus respectfully submits that claims 1 and 3 are patentable over Gibson as Gibson fails to teach or suggest all the claim elements. Entry of the claim amendments, withdrawal of the 35 U.S.C. § 102(a) rejections, and allowance of claims 1 and 3 are respectfully requested.

**CONCLUSION**


Applicant respectfully submits that claims 1 and 3 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (612) 373-6938 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402--0938  
(612) 373-6938

Date 12/14/2010

By   
James D. Hallenbeck  
Reg. No. 63,561